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13 *Attorneys for Plaintiff,*
14 *Michael Kelly*

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF ARIZONA

17 Michael Kelly,

18 Plaintiff,

19 vs.

20 Experian Information Solutions, Inc.,
21 an Ohio corporation.

22 Defendant.
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Case No.:

COMPLAINT

JURY TRIAL DEMAND

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2 NOW COMES THE PLAINTIFF, MICHAEL KELLY, BY AND THROUGH
3 COUNSEL, TRINETTE G. KENT, and for his Complaint against the Defendant,
4
5 pleads as follows:

6 **JURISDICTION**

- 7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p, 15 U.S.C. §1692k(d)
8 and 28 U.S.C. §§1331,1337.
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10 2. This is an action brought by a consumer for violation of the Fair Credit
11 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).
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13 **VENUE**

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15 3. The transactions and occurrences which give rise to this action occurred in the
16 City of Mesa, Maricopa County, Arizona.
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18 4. Venue is proper in the District of Arizona, Phoenix Division.

19 **PARTIES**

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21 5. The Defendant to this lawsuit is Experian Information Solutions, Inc.
22 (“Experian”), which is an Ohio company that maintains a registered agent in
23 Maricopa County, Arizona.
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GENERAL ALLEGATIONS

6. On or about March 17, 2015, Plaintiff obtained his Experian credit file and noticed inaccuracies on the following trade lines (“Errant Trade Lines”):
- a. ARS Account Resolution, Account Number: 685220610000000XXXX;
 - b. Child Sprrt, Account Number: 58363780201XXXX;
 - c. Circuit Court, Case Number: C2012129599XXXX;
 - d. National Credit System, Account Number: 1967277XXXX;
 - e. Quantum Collection, Account Number: 31117601XXXX;
 - f. Recorder of Deeds, Account Number: 00805191252XXXX;
 - g. Sacramento County Recorder, Account Number: 200704250681XXXX;
and
 - h. US Collections West, Account Number: 53110600003293196XXXX.
7. On or about March 30, 2015, Mr. Kelly submitted a letter to Experian, disputing the Errant Trade Lines.
8. On or about May 15, 2015, Mr. Kelly received a letter from Experian, stating that it received a suspicious request and determined that it was not sent by Mr. Kelly. Experian stated that it would not be initiating any disputes based on the suspicious correspondence and that it would apply this same policy to any future suspicious requests that it received.
9. Experian refused to investigate Mr. Kelly’s dispute, in violation of the Fair Credit Reporting Act.

COUNT I

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY EXPERIAN**

10.Plaintiff realleges the above paragraphs as if recited verbatim.

11.Defendant Experian prepared, compiled, issued, assembled, transferred,
published, and otherwise reproduced consumer reports regarding Mr. Kelly as
that term is defined in 15 USC 1681a.

12.Such reports contained information about Mr. Kelly that was false, misleading,
and inaccurate.

13.Experian negligently failed to maintain and/or follow reasonable procedures to
assure maximum possible accuracy of the information it reported to one or
more third parties pertaining to Mr. Kelly, in violation of 15 USC 1681e(b).

14. After receiving Mr. Kelly's consumer dispute to the Errant Trade Lines,
Experian negligently failed to conduct a reasonable reinvestigation as required
by 15 U.S.C. 1681i.

15.As a direct and proximate cause of Experian's negligent failure to perform its
duties under the FCRA, Mr. Kelly has suffered actual damages, mental anguish
and suffering, humiliation, and embarrassment.

16.Experian is liable to Mr. Kelly by reason of its violation of the FCRA in an
amount to be determined by the trier fact together with his reasonable attorneys'
fees pursuant to 15 USC 1681o.

1 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
2 against Experian for actual damages, costs, interest, and attorneys' fees.
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4 **COUNT II**

5 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**
6 **BY EXPERIAN**

7 17.Plaintiff realleges the above paragraphs as if recited verbatim.

8 18.Defendant Experian prepared, compiled, issued, assembled, transferred,
9 published, and otherwise reproduced consumer reports regarding Mr. Kelly as
10 that term is defined in 15 USC 1681a.

11 19.Such reports contained information about Mr. Kelly that was false, misleading,
12 and inaccurate.
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14 20.Experian willfully failed to maintain and/or follow reasonable procedures to
15 assure maximum possible accuracy of the information that it reported to one or
16 more third parties pertaining to Mr. Kelly, in violation of 15 USC 1681e(b).
17

18 21. After receiving Mr. Kelly's consumer dispute to the Errant Trade Lines,
19 Experian willfully failed to conduct a reasonable reinvestigation as required by
20 15 U.S.C. 1681i.
21

22 22.As a direct and proximate cause of Experian's willful failure to perform its
23 duties under the FCRA, Mr. Kelly has suffered actual damages, mental anguish
24 and suffering, humiliation, and embarrassment.
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1 23.Experian is liable to Mr. Kelly by reason of its violations of the FCRA in an
2 amount to be determined by the trier of fact together with his reasonable
3 attorneys' fees pursuant to 15 USC 1681n.
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6 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
7 against Experian for the greater of statutory or actual damages, plus punitive damages,
8 along with costs, interest, and attorneys' fees.
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12 **JURY DEMAND**

13 Plaintiff hereby demands a trial by Jury.
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17 DATED: April 14, 2016

NITZKIN & ASSOCIATES

18 By: /s/ Trinette G. Kent
19 Trinette G. Kent
20 Attorneys for Plaintiff,
21 Michael Kelly
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